

PATENT
Docket No. 316082000121

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

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Date of Deposit: December 3, 2002

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Tamara Alcaraz

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DEC 09 2002

TECH CENTER 1600/29C

In the application of:

Michael D. DAN et al.

Serial No.: 09/194,164

Filing Date: April 9, 1999

For: ANTIGEN BINDING FRAGMENTS
THAT SPECIFICALLY DETECT
CANCER CELLS, NUCLEOTIDES
ENCODING THE FRAGMENTS, AND
USE THEREOF FOR THE
PROPHYLAXIS AND DETECTION OF
CANCERS

Examiner: Christopher H. Yaen

Group Art Unit: 1642

*#24
(CD)
12-13-2002*

COMMUNICATION REGARDING NON-RECEIPT OF ADVISORY ACTION

Box AF
Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Applicants are submitting a Notice of Appeal and Petition for Extension of Time for the above-referenced application. A response to the Final Office Action dated June 3, 2002 was submitted on August 2, 2002. Due to non-receipt of an Advisory Action or any notification, Applicants submit a three (3) month Petition for Extension of Time.

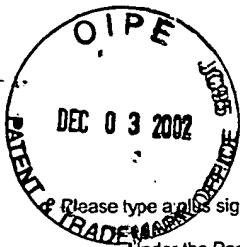
In the event that the Patent Office determines that a lesser extension is required,
Applicants petition the Assistant Commissioner to credit any overpayment of such extension due
in connection with the this application to Deposit Account No. 03-1952 referencing docket no.
316082000121.

Respectfully submitted,

Dated: December 3, 2002

By: Cara Coburn
Cara M. Coburn
Registration No. 46,631

Morrison & Foerster LLP
755 Page Mill Road
Palo Alto, California 94304-1018
Telephone: (650) 813-4218
Facsimile: (650) 494-0792



12-05-02

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PTO/SB/21 (08-00)

Approved for use through 10/31/02. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number Of Pages In This Submission

7

Application Number

09/194,164

Filing Date

April 9, 1999

First Named Inventor

Michael D. DAN

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Group Art Unit

1642

DEC 09 2002

Examiner Name

Christopher H. Yaen

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ENCLOSURES (check all that apply)

Fee Transmittal Form – in duplicate

Assignment Papers
(for an Application)

After Allowance Communication to Group

Fee Attached

Drawing(s)

Appeal Communication to Board of Appeals and Interferences

Amendment / Reply

Licensing-related Papers

Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)

After Final

Petition

Proprietary Information

Affidavits/declarations

Petition to Convert to a Provisional Application

Status Letter

Extension of Time Request

Power of Attorney, Revocation
Change of Correspondence Address

Other Enclosure(s) (please identify below):

- Terminal Disclaimer
- Notice of Appeal
- Express Abandonment Request
- Communication Regarding Non-Receipt of Advisory Action (2 pages)
- Information Disclosure Statement
- Return receipt postcard
- Certified Copy of Priority Document(s)
- Response to Missing Parts/
Incomplete Application
- Response to Missing Parts
under 37 CFR 1.52 or 1.53
- CD, Number of CD(s) _____

Remarks

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm
or
Individual Name

Morrison & Foerster LLP, 755 Page Mill Road, Palo Alto, California 94304

Cara M. Coburn (Reg. No. 46,631)

Signature

Cara Coburn

Date

December 3, 2002

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Tamara Alcaraz

Burden Hours Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.



FEES TRANSMITTAL FOR FY 2002

Patent fees are subject to annual revision.

Complete if Known

Application Number	09/194,164
Filing Date	April 9, 1999
First Named Inventor	Michael D. DAN
Examiner Name	Christopher H. Yaen
Group Art Unit	1642

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DEC 09 2002

TECH CENTER 1600/2900

TOTAL AMOUNT OF PAYMENT

(\$620)

Attorney Docket No. 316082000121

METHOD OF PAYMENT

1. The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 03-1952

Deposit Account Name Morrison & Foerster LLP

Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
 Applicant claims small entity status. See 37 CFR 1.27

2. Payment Enclosed:

Check Credit Card Money Order Other

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1051	130	205	65	Surcharge - late filing fee or oath	
1052	50	227	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	139	130	Non-English specification	
1812	2,520	147	2,520	For filing a request for ex parte reexamination	
1804	920*	112	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
1251	110	215	55	Extension for reply within first month	
1252	400	216	200	Extension for reply within second month	
1253	920	217	460	Extension for reply within third month	460
1254	1,440	218	720	Extension for reply within fourth month	
1255	1,960	228	980	Extension for reply within fifth month	
1401	320	219	160	Notice of Appeal	160
1402	320	220	160	Filing a brief in support of an appeal	
1403	280	221	140	Request for oral hearing	
1451	1,510	138	1,510	Petition to institute a public use proceeding	
1452	110	240	55	Petition to revive - unavoidable	
1453	1,280	241	640	Petition to revive - unintentional	
1501	1,280	242	640	Utility issue fee (or reissue)	
1502	460	243	230	Design issue fee	
1503	620	244	310	Plant issue fee	
1460	130	122	130	Petitions of the Commissioner	
1807	50	123	50	Petitions related to provisional applications	
1806	180	126	180	Submission of Information Disclosure Stmt	
8021	40	581	40	Recording each patent assignment per properties (times number of properties)	
1809	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	740	279	370	Request for Continued Examination (RCE)	
1802	900	169	900	Request for expedited examination of a design application	

SUBTOTAL (1) (\$0)

2. EXTRA CLAIM FEES

Total Claims	39	- 88** =	0	Extra Claims	Fee from below	Fee Paid
Independent Claims	1	- 6** =	0	x	9	= \$0
Multiple Dependent				x	42	= \$0

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$620)

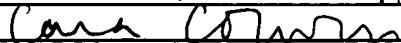
** or number previously paid, if greater; For reissues, see above.

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Cara M. Coburn	Registration No. (Attorney/Agent)	46,631	Telephone	(650) 813-4218
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Signature



Date December 3, 2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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pa-748042